

AMENDED IN ASSEMBLY JUNE 29, 2004

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 12, 2004

**SENATE BILL**

**No. 1897**

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**Introduced by Senator Burton**

March 3, 2004

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An act to add Sections 8203.1 and 8203.6 to the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1897, as amended, Burton. Child care reform.

Existing law authorizes the Superintendent of Public Instruction to develop standards for the implementation of quality child care programs and to contract for the provision of child care and development services.

This bill would declare the intent of the Legislature to reform the reimbursement system for child care based on specified criteria, and to establish quality provider pools to employ family child care providers.

The bill would require the Child Development Division of the State Department of Education, on or before July 1, 2006, to provide to the Superintendent of Public Instruction a baseline assessment of the supply and demand for subsidized and unsubsidized child care. The bill would require the ~~superintendent~~ *Superintendent* to make recommendations to the Legislature on or before March 1, 2007, based on that assessment. The recommendations would be required to include a recommendation on the most effective means for the state to collect

from child care provider employers specified information about their employees. The bill would require the assessment and recommendations to be updated every 2 years.

The bill would require the Child Development Division to convene a task force, consisting of specified members, to develop and submit to the Legislature a Child Care and Development Workforce Development Plan. The bill would require the plan to include, among other things, detailed expectations and a career ladder for staff of child care and development providers. The bill would require the task force to submit the report to the Legislature on or before January 1, 2006. The provisions relating to the task force would not be operative if legislation is enacted during the 2003–04 Regular Session that creates a task force charged with addressing the elements required to be included in the plan.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) It is the intent of the Legislature to attain all
- 2 of the following goals:
- 3 (1) Improve the overall provision of child care, so that the
- 4 system is administered efficiently and maximum resources are
- 5 spent on care for children and families.
- 6 (2) Ensure that families eligible for subsidized child care under
- 7 the CalWORKs program and other child development programs,
- 8 and working families outside the subsidized child care system,
- 9 retain access to child care, and that access to high quality child care
- 10 is incrementally increased.
- 11 (3) Affirm and strengthen parental choice of child care and the
- 12 infrastructure to support those choices.
- 13 (4) Guarantee due process protections for families and child
- 14 care providers.
- 15 (5) Consider the impact of any reforms on both unsubsidized
- 16 and subsidized child care.
- 17 (6) Ensure that public reimbursements for child care are linked
- 18 to quality criteria.
- 19 (7) Ensure that child care providers have access to employment
- 20 supports that provide for the improvement of quality standards in
- 21 child care.



(b) To attain the goals expressed in subdivision (a), it is the intent of the Legislature to do all of the following:

(1) Require the State Department of Education to reform the reimbursement system for child care by establishing a unified rate system for child care centers and family day care providers that care for children of parents who receive public subsidies. The new rate structure would be designed for implementation during the 2005–06 fiscal year and consistent with the following principles:

(A) The basic rate would be linked to fees charged in the private child care market and adjusted annually to reflect changes in the private child care market.

(B) The need for special rates for certain children, based on the age of the child, the time in care, and demonstrated special needs of the child.

(C) Incentives would be provided for providers that meet measurable standards to improve child care and maintain high quality.

(2) Establish, by July 1, 2006, regional quality provider pools that would employ family child care providers who meet minimum quality and health and safety standards and who voluntarily choose to join the pool. Each quality provider pool would be authorized to operate a substitute provider pool for family child care providers. Each quality provider pool would be authorized to join together in a consortium, along with child care centers, regarding the more efficient and cost-effective administration and purchasing of benefits for family child care providers and child care employees.

SEC. 2. Section 8203.1 is added to the Education Code, to read:

8203.1. (a) (1) On or before July 1, 2006, the Child Development Division of the State Department of Education shall collect the information identified in subparagraphs (A) to (G), inclusive, aggregate the information and provide to the Superintendent of Public Instruction a baseline assessment of the supply and demand for subsidized and unsubsidized child care. The assessment shall be based on extant data and utilize information gathered by resource and referral agencies, local child care planning councils, alternative payment providers, the University of California, and other entities. The assessment shall include, but not be limited to, all of the following information:

1 (A) The types of child care available from different types of  
2 providers.

3 (B) The cost of available child care, according to the most  
4 recent regional market rate analysis.

5 (C) The needs of low-income, working families eligible for  
6 child care subsidies who remain on eligibility lists.

7 (D) The needs of working families not eligible for child care  
8 subsidies.

9 (E) The availability and types of child care for those facing  
10 barriers, including, but not limited to, infants, toddlers, children  
11 with disabilities, and families who require nontraditional hours of  
12 care.

13 (F) The availability and types of child care for families that  
14 may want or need linguistically appropriate child care.

15 (G) Data on the diverse access challenges in rural and urban  
16 communities.

17 (2) The assessment shall identify gaps in information currently  
18 collected and include recommendations on the most effective  
19 manner of collecting ongoing information to ensure that the  
20 required assessments are provided efficiently and consistently and  
21 the manner of obtaining this information.

22 (b) The Superintendent of Public Instruction shall provide to  
23 the Legislature, on or before March 1, 2007, and every two years  
24 thereafter, an assessment of the supply and demand for child care  
25 and recommendations based upon the assessment required  
26 pursuant to subdivision (a).

27 (1) The recommendations shall include multiyear options to  
28 incrementally do all of the following:

29 (A) Address the needs of families receiving child care  
30 subsidies.

31 (B) Address the needs of low-income, working families  
32 eligible for child care subsidies that remain on eligibility lists.

33 (C) Address the needs of working families not eligible for child  
34 care subsidies.

35 (D) Increase access to high-quality care for families facing  
36 child care barriers.

37 (E) Increase access to linguistically appropriate child care.

38 (F) Increase access to families in urban and rural areas,  
39 including farmworker and agricultural communities.



(2) (A) The recommendations shall include a recommendation on the most effective means for the department to collect from all employers of center or family provider child care employees that operate programs licensed by the state or programs that receive funding from the state the following information:

(i) Sufficient information for the division to track and report on the tenure and retention of each child care worker employed by the provider.

(ii) The qualifications of each child care worker employed by the provider, including, but not limited to, ~~cultural and linguistic characteristics of the employee~~ *educational and training attainment, and linguistic capabilities of employees.*

(B) The information provided pursuant to this section shall be used to inform the required assessments and shall be made available to the public.

(3) The recommendations shall be developed in consultation with an advisory group that shall assist the Superintendent of Public Instruction in developing the recommendations. The advisory group shall include members representing all of the following:

(A) The State Department of Social Services.

(B) Parents of children receiving subsidized and unsubsidized child care.

(C) Various types of child care providers, including representatives of public and private subsidized and unsubsidized child care, part-day and full-day preschool programs, Head Start, the state preschool program, and center-based and family-based child care.

(D) Experts in early child care and education, including, but not limited to, administrators, teachers, and academics with expertise in early childhood development and research.

(E) Representatives of child care support entities, including resource and referral agencies, alternative payment programs, local child care planning councils, and child care advocacy groups.

SEC. 3. Section 8203.6 is added to the Education Code, to read:

8203.6. (a) (1) To the extent resources are available, the Child Development Division of the State Department of Education

1 shall convene a task force consisting of representatives from all of  
2 the following entities:

- 3 (A) The California Children and Families Commission.
- 4 (B) The office of the Chancellor of the California Community  
5 Colleges.
- 6 (C) The University of California.
- 7 (D) The California State University.
- 8 (E) The Commission on Teacher Credentialing.
- 9 (F) The Child Development Division of the State Department  
10 of Education.
- 11 (G) The California Child Care Resource and Referral Network.
- 12 (H) Representatives of the following:
  - 13 (i) Parents of children in subsidized and unsubsidized child  
14 care center and family child care settings.
  - 15 (ii) Community-based programs that provide child care and  
16 development training.
  - 17 (iii) Private colleges providing child care and development  
18 training.
  - 19 (iv) Employee organizations that represent child care workers  
20 and operate staff training programs.
  - 21 (v) Providers of family child care services and center-based  
22 teachers who are consumers of training and development  
23 programs.
  - 24 (vi) Early child care and education experts.
  - 25 (vii) Child care center administrators, including part-day  
26 programs, Head Start, and the state preschool program.
  - 27 (viii) Local child care planning councils.
  - 28 (ix) Local First Five commissions.
- 29 (2) Task force participants shall serve without pay or  
30 compensation.
- 31 (b) The task force shall operate in a manner that encourages  
32 input and participation from the public.
- 33 (c) The task force shall conduct at least one public hearing prior  
34 to submitting the report required pursuant to subdivision (d).
- 35 (d) (1) The task force shall develop and submit to the  
36 Legislature on or before January 1, 2006, a Child Care and  
37 Development Workforce Development Plan.
- 38 (2) The plan shall include all of the following information:
  - 39 (A) Clear expectations for staff competencies and  
40 requirements for each level of regulation for subsidized and



1 unsubsidized child care and development center- and home-based  
2 services.

3 (B) Career ladders with links to teacher certification and  
4 credentialing.

5 (C) A means for accreditation of training offered by public and  
6 private entities, so that enrollees can meet the requirements of the  
7 career ladder.

8 (D) Strategies for recruiting and retaining instructional staff  
9 who reflect the ethnic, racial, linguistic, and cultural diversity of  
10 California families.

11 (E) A means for providing child care and development staff  
12 with information regarding available training supports, including,  
13 but not limited to, English-as-a-second-language training  
14 opportunities and scholarship programs.

15 (F) A method for assessing whether the available training  
16 supports assure access to professional development opportunities  
17 for direct care personnel in all settings and from a variety of ethnic  
18 and linguistic backgrounds.

19 (G) Determination of how *to develop* a prudent and efficient  
20 registry of child care and development workers ~~and their training~~  
21 ~~levels can be developed.~~, *to be the repository of information for*  
22 *parents and others about staff stability and professional*  
23 *development, and to be used, in the determination of qualification*  
24 *for enhanced reimbursement.*

25 (H) Goals for qualifications of child care and development  
26 providers, and a method to report to policymakers the status of  
27 meeting those goals.

28 (I) A procedure for assessing the impact of the plan, and  
29 updating the plan, every five years.

30 (e) This section shall not be operative if, during the 2003–04  
31 Regular Session, legislation is enacted that creates a workforce  
32 development task force and the task force is charged with  
33 addressing the elements required to be included in the plan  
34 developed pursuant to subdivision (d).